

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GABRIEL GIGENA,

Plaintiff,

v.

RENEE C. DAY, et al.,

Defendants.

No. 2:23-cv-01660 DJC CKD (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se and in forma pauperis. This proceeding was referred to this court by Local Rule 302(c)(21).

On August 21, 2023, the undersigned issued an order to show cause no later than September 8, 2023 why this action should not be dismissed for lack of jurisdiction. Plaintiff was advised that failure to allege a proper basis for jurisdiction would result in a recommendation that this action be dismissed. The deadline has passed, and plaintiff has not shown cause why this action should not be dismissed.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for lack of jurisdiction.

In light of these recommendations, IT IS ALSO HEREBY ORDERED that all pleading, discovery, and motion practice in this action are STAYED pending resolution of the findings and recommendations. With the exception of objections to the findings and recommendations and

1 any non-frivolous motions for emergency relief, the court will not entertain or respond to any
2 motions and other filings until the findings and recommendations are resolved.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, plaintiff may file written objections
6 with the court and serve a copy on all parties. Such a document should be captioned "Objections
7 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
8 objections within the specified time may waive the right to appeal the District Court's order.
9 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: September 14, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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